

## IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: HECTOR H PENA OTERO

Bkrcty. No. 10-06964-SEK

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES  
AND REPORT ON CONFIRMATION

Petition Filing Date: <u>Jul 31, 2010</u>	Meeting Date: <u>Nov 03, 2010</u>	DC Track No. <u>7</u>								
Days from petition date: <u>95</u>	Meeting Time: <u>9:00 AM</u>									
910 Days before Petition: <u>2/2/2008</u>	<input type="checkbox"/> Chapter 13 Plan Date: <u>Jul 31, 2010 Dkt.# 2</u>	<input type="checkbox"/> Amended.								
This is debtor(s) <u>1st</u> Bankruptcy petition.	Plan Base: <u>\$43,500.00</u>									
This is the <u>2nd</u> Scheduled Meeting	Confirmation Hearing Date: <u>Nov 30, 2010</u>	Time: <u>9:00 AM</u>								
Payment(s) <input type="checkbox"/> Received or <input type="checkbox"/> Evidence shown at meeting:	<table border="1"> <thead> <tr> <th>Ck/MO No.</th> <th>Date</th> <th>Amount</th> <th>Total Paid In:</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td><u>\$2,175.00</u></td> </tr> </tbody> </table>	Ck/MO No.	Date	Amount	Total Paid In:				<u>\$2,175.00</u>	
Ck/MO No.	Date	Amount	Total Paid In:							
			<u>\$2,175.00</u>							

I. <b>Appearances:</b>			<input type="checkbox"/> Telephone	<input type="checkbox"/> Video Conference	<input checked="" type="checkbox"/> Creditor(s) present: <u>B.P.R.</u>	<input type="checkbox"/> None.
<input checked="" type="checkbox"/> Debtor Present	<input checked="" type="checkbox"/> ID & Soc. OK	<input type="checkbox"/> Debtor Absent				
<input type="checkbox"/> Joint Debtor Present	<input type="checkbox"/> ID & Soc. OK	<input type="checkbox"/> Joint Debtor Absent				
Debtor(s) was/were <input checked="" type="checkbox"/> Examined	<input type="checkbox"/> Not Examined under oath.					
Attorney for Debtor(s) <input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present					
<input type="checkbox"/> Substitute attorney:	<input type="checkbox"/> Pro-se.					

II. Attorneys Fees as per R 2016(b) Statement		Attorney of record: <u>JOSE PRIETO CARBALLO*</u>
Total Agreed: <u>\$3,000.00</u>	Paid Pre-Petition: <u>\$676.00</u>	Outstanding: <u>\$2,324.00</u>
		THROUGH THE PLAN

III. Trustee's will file Motion to Dismiss:	<input type="checkbox"/> For Failure to appear;	<input type="checkbox"/> For Failure to commence payments.
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IV. Trustee's Report on Confirmation & Status of §341 Meeting		
Debtor(s) Income is (are) <input type="checkbox"/> Under <input type="checkbox"/> Above Median Income.	Liquidation Value: <u>\$18,200.00</u>	<u>TBD</u>
Commitment Period is <input type="checkbox"/> 36 <u>TBD</u> <input type="checkbox"/> 60 months. [§1325(b)(1)(B)]	Gen. Unsecured Pool: <u>TBD</u>	
<u>2770</u> The Trustee <input type="checkbox"/> RECOMMENDS <input checked="" type="checkbox"/> OBJECTS	Plan confirmation.	
§341 Meeting <input type="checkbox"/> CONTINUED <input type="checkbox"/> NOT HELD <input type="checkbox"/> CLOSED <input checked="" type="checkbox"/> HELD OPEN FOR <u>10</u> DAYS		
§341 Meeting Rescheduled for:		

V. Trustee's OBJECTIONS to Confirmation: <u>① doc pending</u>		
<input type="checkbox"/> FEASIBILITY [§1325(a)(6)]	<input type="checkbox"/> INSUFFICIENTLY FUNDED	<input type="checkbox"/> To pay \$507
<input checked="" type="checkbox"/> FAILS DISPOSABLE INCOME REQUIREMENTS	<input type="checkbox"/> Tax returns requirements. [§1308]	<input checked="" type="checkbox"/> Fails Creditor's Best Interest Test §1325(A)(4)
<input type="checkbox"/> Failure to comply with DSO requirements	<input type="checkbox"/> Plan not filed in Good Faith §1325(a)(3)	<input type="checkbox"/> Unfair Discrimination §1322(a)(3)

ADDITIONAL OBJECTIONS / COMMENTS:
<u>② Debtor must file paystubs within the next 5 days.</u> <u>② Insurance quote must also be submitted</u> <u>So far 16 will be amended to include wife.</u> <u>① Wife's Xmas bonus was not included in the SCH I</u> <u>① Tax Refunds are disposable income and should</u> <u>be used to fund the plan</u>

/s/ José R. Carrión  
Trustee

Presiding Officer

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Date: Nov 03, 2010

ADDITIONAL OBJECTIONS / COMMENTS:

There is an issue regarding the existence of a second mortgage. The case's liquidation value might be affected.

If there isn't a mortgage (2nd) there might be a recovery pending for the monies paid during the 3 month period before filing.

Means Test will be amended to remove BPPR from line 47.

Business Questionnaire must be submitted.